

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PACNAV S.A.,

Plaintiff,

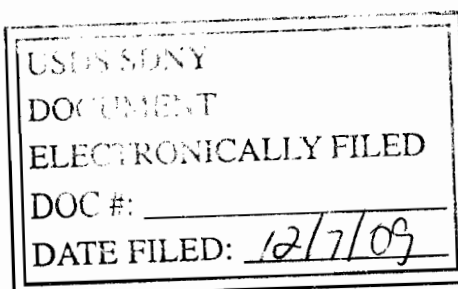
- against -

EFFIE BUSINESS CORP., et al.,

Defendants.

JOHN G. KOELTL, District Judge:

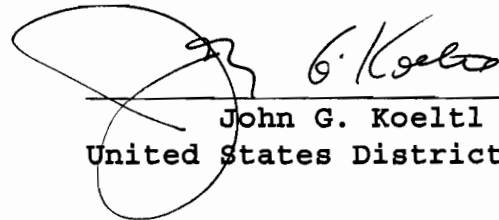
Because the Court of Appeals for the Second Circuit, in Shipping Corp. of India v. Jaldhi Overseas Pte Ltd., No. 08 2477 Civ., 2009 WL 3319675, at *11 (2d Cir. Oct. 16, 2009) and Hawknet, Ltd. v. Overseas Shipping Agencies, No. 09 2128 Civ., 2009 WL 3790654, at *2 (2d Cir. Nov. 13, 2009) (finding that Jaldhi applies retroactively and that defendant did not waive personal jurisdiction defense by failing to raise it pre-Jaldhi), has indicated that Electronic Fund Transfers at an intermediary bank are not property that can be attached pursuant to Rule B, the plaintiff is directed to submit by **December 14, 2009** a proposed Order directing the return of any of the defendant's funds that have been retained by the plaintiff in this case and dismissing this case without prejudice.



Alternatively, the plaintiff may submit by **December 14, 2009** an affidavit showing why this relief should not be granted.

SO ORDERED.

**Dated: New York, New York
 December 7, 2009**



**John G. Koeltl
United States District Judge**